

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: Charles J. Wideman & Debra L. Hanneman Trust  
107 Whitetail Rd.  
Whitehall MT 59759
2. Type of action: Application to Change an Existing Irrigation Water Right
3. Water source name: Whitetail Deer Creek
4. Location affected by project: S33 T2N R4W, Jefferson County  
S28 T2N R4W, Jefferson County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

The Applicant seeks to change the point of diversion (POD) for Water Right Claim No. 41G 120778 for 315.0 GPM and 49.6 AF diverted volume from Whitetail Deer Creek for the purpose of sprinkler irrigation of 19.0 acres located in the SWSE of Section 28, T2N, R4W, Jefferson County. The period of diversion and use is May 1 to October 31, with a priority date of September 12, 1902. The point of diversion is located on Whitetail Deer Creek in the NENWNE of Section 33, T2N, R4W, Jefferson County. Water is conveyed through a pump and pipeline system to a wheel-line sprinkler to irrigate the place of use (POU). The POU is approximately 3 miles north of Whitehall Montana. The new POD will utilize a pump and pipeline diversion located on the Applicants property in the SESWSE of Section 28, T2N, R4W, Jefferson County. The proposed pump is a Cornell 15hp motor, similar to the historical pump (Berkley Pump Model No. B2½T PMSJM, Century 15hp motor), and will be designed to ensure that the total proposed flow rate of 315 GPM will not be exceeded. There will be no change to the POU or pattern of use from what was previously authorized under previous Change No. 41G 30042994.

The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

Montana Department of Environmental Quality (MDEQ)  
Montana Natural Heritage Program  
Montana Department of Fish Wildlife & Parks

TMDL Information  
Endangered-Threatened Species  
Dewatered Stream Information

## **Part II. Environmental Review**

### **1. Environmental Impact Checklist:**

#### **PHYSICAL ENVIRONMENT**

##### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

*Determination: No Impact*

Whitetail Deer Creek is on DFWP list of chronically dewatered streams. There will be no increase in water use or diversion following this proposed change.

**Water quality** - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

*Determination: No Impact*

Whitetail Deer Creek is listed as Category 5 in DEQ's water quality assessment, from the headwaters to the mouth (Jefferson Slough). The proposed water right change is unlikely to have any impact on water quality conditions.

**Groundwater** - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

*Determination: No Impact*

The change involves surface water of Whitetail Deer Creek

**DIVERSION WORKS** - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

*Determination: No Impact*

1. The Applicants will move the point of diversion to the SESWSE of Section 28, T2N, R4W, Jefferson County, approximately 350-400 feet upstream and north of the old POD. The installation will be a 15 HP Cornell pump. The system will be built to ensure that the flow rate will not exceed the historical use of 315 GPM and a max volume of 49.6 AF diverted volume.

##### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special*

*concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

*Determination: No Impact*

The Montana Natural Heritage Program identified the following species of concern within the project area: Castilleja exilis, Pinyon Jay, Burrowing Owl, Bald Eagle, Mountain Plover, Northern Leopard Frog, Sharp-tailed Grouse, Sprague's Pipit, Northern Goshawk, American White Pelican. Moving the POD 350 to 400 feet upstream and north should not adversely impact any of the species of concern within this project area.

**Wetlands** - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

*Determination: No Impact*

Montana Natural Heritage Program identifies the point of diversion as falling within Freshwater Scrub-Shrub Wetland. Moving the POD 350 to 400 feet upstream and north should not adversely impact the identified wetlands within this project area.

**Ponds** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

*Determination: No Impact*

This project does not involve any ponds.

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

*Determination: No Impact*

The use of water from Whitetail Deer Creek for existing irrigation will not cause degradation of soil quality or stability. The soils at Whitetail Deer Creek are not susceptible to saline seep.

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination: No Impact*

Existing vegetative cover may be disturbed during installation of the pipeline, the POU will not change from what was historically irrigated. The project is located on private property, and the applicants will be responsible for controlling noxious weeds.

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination: No Impact*

There should be no deterioration of air quality due to increased air pollutants from this proposed project.

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands.*

*Determination: N/A*

The project is not located on State or Federal land. This section is not applicable.

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination: No Impact*

There should be no significant impacts on other environmental resources of land, energy or water from this proposed use.

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination: No Impact*

The proposed project is not inconsistent with any locally adopted environmental plans and goals for Jefferson County

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination: No Impact*

This project should have no impact on recreational or wilderness activities.

**HUMAN HEALTH** - *Assess whether the proposed project impacts on human health.*

*Determination: No Impact*

There should be no significant impact on human health from the proposed use.

**PRIVATE PROPERTY** - *Assess whether there are any government regulatory impacts on private property rights.*

*Yes\_\_\_ No X\_\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.*

*Determination: No Impact*

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

- (a) Cultural uniqueness and diversity? No impact*
- (b) Local and state tax base and tax revenues? No impact*
- (c) Existing land uses? No impact*
- (d) Quantity and distribution of employment? No impact*
- (e) Distribution and density of population and housing? No impact*
- (f) Demands for government services? No impact*
- (g) Industrial and commercial activity? No impact*
- (h) Utilities? No impact*
- (i) Transportation? No impact*
- (j) Safety? No impact*
- (k) Other appropriate social and economic circumstances? No impact*

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts None identified

Cumulative Impacts None identified

**3. *Describe any mitigation/stipulation measures:*** The applicant would be required to cease diverting water if a call is made by a senior water user.

4. ***Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The proposed activity is reasonable, and is within accepted practices for irrigation. A no action alternative would mean that the applicant could not move the POD 350 to 400 feet upstream and north to the proposed POD.

***PART III. Conclusion***

1. ***Preferred Alternative To*** authorize the change to an existing non-irrigation water right.

2 ***Comments and Responses***

3. ***Finding:***

Yes\_\_\_ No X\_\_\_ Based on the significance criteria evaluated in this EA, is an EIS required?

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

*Name of person(s) responsible for preparation of EA:*

*Name:* Kristeen Wofford

*Title:* Water Resource Specialist

*Date:* September 16, 2021